

REMARKS

This is in response to the Office Action dated February 9, 2005. Claims 7, 11, 18 and 34 have been canceled. Thus, claims 1-6, 8-10, 12-17 and 19-33 are now pending.

Applicant notes with appreciation the Examiner's indication that claims 8-10, 21-25 and 34 contain allowable subject matter. In this respect, subject matter of allowable claim 9 has been added to claim 1, and allowable claims 8, 10, 21-23 and 25 have been rewritten in independent form. Thus, claims 1-6, 8-10, 21-23 and 25 are in condition for allowance given the Examiner's indication of allowable subject matter. Since claim 30 is dependent on claim 10, it too is in condition for allowance. Moreover, subject matter of allowable claim 34 has been added to claim 33, so that claim 33 now contains allowable subject matter.

*Rejection Based on Sol*

Claims 26-29, 31 and 32 stand rejected under Section 102(e) as being allegedly anticipated by Sol. This Section 102(e) rejection is respectfully traversed for at least the following reasons. In relevant part, parent case 09/794,224 filed February 28, 2001 (now US 6,576,349) has the same disclosure as Sol. Thus, if the Examiner deems Sol to anticipate claims 26-29, 31 and 32, then these claims are necessarily entitled to the February 28, 2001 priority date of the parent case. Accordingly, Sol would not be prior art to such claims. Accordingly, it is respectfully requested that the rejection based on Sol be withdrawn.

*Claim 12*

Claim 12 stands rejected under Section 102(e) as being allegedly anticipated by

Stachowiak. This Section 102(e) rejection is respectfully traversed for at least the following reasons.

Claim 12 has been amended to require an “infrared (IR) reflecting layer comprising silver; and an overcoat located over at least the IR reflecting layer for protecting at least the IR reflecting layer, wherein the overcoat comprises an outer layer comprising silicon nitride and an underlayer comprising a metal (M) oxide and/or a metal (M) oxynitride, where the metal (M) is at least one of Nb, Hf, Ta, or a combination thereof, and wherein the underlayer does not contact any IR reflecting layer comprising silver in the coating.”

Stachowiak fails to disclose or suggest this aspect of claim 12. The  $\text{NiCrO}_x$  layer in Stachowiak contacts the silver based IR reflecting layer, which is the opposite of what claim 12 requires. In particular, claim 12 requires that the underlayer does not contact any IR reflecting layer – and Stachowiak fails to disclose or suggest this.

*Claim 26*

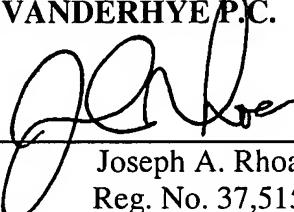
At least claim 26 is entitled to a priority date of at least as early as February 28, 2001. Thus, Sol, Wang, and Stachowiak are not prior art to this claim (see also at least claims 27-29, 31 and 32). See the discussion above under the Sol section where the parent case and its priority date are discussed. Thus, it is respectfully requested that all rejections of claims 26-29, 31 and 32 be withdrawn.

*Conclusion*

All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

Joseph A. Rhoa  
Reg. No. 37,515

JAR:caj  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100